



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Recommendation from the Contamination Advisory Committee Regarding the Issuance of Subpoenas

**MEETING DATE:** July 18, 2001

**PREPARED BY:** Randall A. Hays, City Attorney

**RECOMMENDATION:** That the City Council authorize the issuance of subpoenas based upon the recommendation of the Contamination Advisory Committee.


**BACKGROUND:**

By Resolution No. 97-09, adopted by the City Council on January 15, 1997, the Council established a legislative proceeding to investigate the adequacy of existing legislative environmental schemes, and to take such action including legislation at the municipal level and recommendations to the appropriate state or federal legislative bodies, as the City Council deems appropriate. Additionally, there was established an advisory committee of the City Council consisting of two Council members to investigate the toxic environmental contamination found principally in the central business district and peripheral commercial and residential areas of the community. The advisory committee consists of the Mayor and Mayor Pro Tempore. One of the functions of the committee is to investigate potential methods to finance the abatement of the contamination. Under provisions found in §37104 of the California Government Code, subpoenas may be issued in order to acquire information in order to make the investigation of the problem meaningful.

The Contamination Advisory Committee met on June 27, 2001. Based upon our discussions, the committee recommends to the City Council that it authorize the issuance of subpoenas to 1) United States Fire Insurance Company, 2) Fremont Indemnity Company, 3) Fremont Industrial Indemnity Company, 4) Federated Mutual Insurance Company, 5) Universal Underwriters Life Insurance Company, 6) Universal Underwriters Insurance Company. The information that can be gathered under the subpoena process will be useful in determining the extent of the coverages provided by those companies. Determining the level of coverage is important so that we may be able to develop an understanding of the extent of funds available to be utilized in the proposed cleanup activities.

**FUNDING:** Not applicable.

Respectfully submitted,

  
Randall A. Hays, City Attorney

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager